

REMARKS

The Office Action of March 16, 2006 was received and carefully reviewed. Applicant would like to thank the Examiner for the consideration given to the above-identified application. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 3-18, 21-56, 58-66, 68-76, 78-81, 83-86 and 88 are pending in the instant application, of which claims 3-6, 21-24 and 88 are independent.

In the detailed Office Action, claims 3-18, 21-36, 48-56, 68-76, 78-81, 83-86 and 88 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morris et al. (U.S. Patent No. 6,665,010 – hereafter Morris) in view of newly cited Colley et al. (U.S. Patent No. 6,230,975 – hereafter Colley). Further, claims 38-46 and 58-66 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morris in view of Colley and Kamiko (U.S. Patent No. 5,991,467 – hereafter Kamiko). These rejections are respectfully traversed at least for the reasons provided below.

Applicant respectfully submits that pending independent claims 3-6, 21-24 and 88 recite, among other features, the feature wherein a trial imaging period comprises the steps of resetting a plurality of pixels at a same time; and then sequentially selecting at least a part of said plurality of pixels to output signals of the selected pixels.

In contrast with Applicant's claimed invention, although Morris may teach the step of resetting a plurality of pixels at a same time in a trial imaging period, Morris does not teach the step of sequentially selecting plurality of pixels to output signals in the trial imaging period. Moreover, with respect to Colley, the reference does not teach a trial imaging period.

In the rejection, the Examiner alleged that Morris discloses resetting plurality of pixels at a same time in col. 6, lines 38-55 and sequentially selecting at least a part of the plurality of pixels to output signals in col. 4, lines 10-21. In response, Applicant respectfully notes that the Examiner's assertion is insupportable because the Examiner has taken various teachings of Morris out of order and out of context in making the assertion. For example, Applicant's claimed invention includes resetting plurality of pixels at the same time then sequentially selecting at least a part of the plurality of pixels to output signals. On the other hand, the Examiner cited Morris as disclosing these two steps in two unrelated portions of the reference which are not disclosed in the same order as Applicant's claimed steps.

Further, the Examiner's assertion is insupportable because Morris does not appear to teach, disclose or suggest sequentially selecting at least a part of the plurality of pixels to output signals in col. 4, lines 10-21 of Morris, which is summarized as follows:

Unlike the normal operation, during the perimentering mode, the pixel sensing units 118 do not accumulate light energy over an integration interval that has a fixed duration. Instead, the time measurement circuit 130 (for one of the groups 113) measures times for the indicated intensities to reach a predetermined intensity threshold. To accomplish this, each pixel sensing unit 118 (after being initialized, or reset) monitors its indicated intensity and notifies (as described below) the time measurement circuit 130 when the indicated intensity exceeds the predetermined intensity threshold.

If the Examiner still asserts that the above-summarized disclosure of Morris teaches, discloses or suggests the step of sequentially selecting, Applicant would request more concrete support for the assertion.

Still further, Applicant respectfully submit that the Examiner's interpretation and reliance on Morris appears to be inconsistent over time and to be for Examiner's convenience in making a rejection. For example, on page 4-5 of the Office Action mailed October 31, 2005, as well as on page 3-4 of the Office Action mailed May 13, 2005, Morris was not cited as disclosing sequentially selecting at least a part of the plurality of pixels to output signals. Instead, the Examiner relied then on Roberts (U.S. Patent No. 5,541,654) as disclosing this particular feature as a cure of the deficiency of Yamashita (U.S. Patent No. 6,072,206).

The requirements for establishing a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. As Morris and Colley are deficient as discussed above, the application of Morris and Colley, alone or in combination, still does not teach, disclose or suggest all of the claimed limitations. Further, as Colley does not teach, disclose or suggest a trial imaging period, the combination of Colley with other cited references is improper.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 3-18, 21, 36, 38-46, 48-56, 58-66, 68-76, 78-81, 83-86 and 88 be allowed and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,



Luan C. Do

Registration No. 38,434

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000